

## CIVIL SERVICE COMMISSION MINUTES

May 5, 1999

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 310 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Roy Dixon  
Mary Gwen Brummitt  
Sigrid Pate  
Gordon Austin

Comprising a quorum of the Commission

Absent was:

Gloria Valencia-Cothran

Support Staff Present:

Larry Cook, Executive Officer  
Ralph Shadwell, Deputy County Counsel  
Selinda Hurtado-Miller, Reporting

**CIVIL SERVICE COMMISSION MINUTES**  
**May 5, 1999**

CLOSED SESSION: There were no items for discussion in closed session.

2:30 p.m.      OPEN SESSION: Room 358, 1600 Pacific Highway,  
San Diego, California 92101

PRE-AGENDA CONFERENCE

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
9,11,12,13	4,10		5

COMMENTS Motion by Austin to approve all items not held for discussion; seconded by Brummitt. Carried.

**CLOSED SESSION AGENDA**  
**County Administration Center, Room 458**  
**(Notice pursuant to Government Code Sec. 54954.2)**  
**Members of the Public may be present at this**  
**location to hear the announcement of the**  
**Closed Session Agenda**

**THERE WERE NO CLOSED SESSION ITEMS FOR DISCUSSION**

**MINUTES**

1. Approval of the Minutes of the regular meeting of April 7, 1999.

**Approved.**

**CONFIRMATION OF ASSIGNMENTS**

2. Commissioner Valencia-Cothran as hearing officer in the appeals of **Donald Holt** and **Daniel Loftin** appealing Orders of Suspension from the Department of Public Works. (These cases are being combined.)

**Confirmed.**

3. Commissioner Austin as hearing officer in the appeal of **Melvin Taylor** appealing an Order of Demotion from the Health and Human Services Agency.

**Confirmed.**

4. Everett Bobbitt, Esq. requesting a Rule VII hearing on behalf of **Benjamin Bensoul, M.D.**, a former employee of the Health and Human Services Agency.

RECOMMENDATION: (1) Continue to the next Commission meeting at the request of Dr. Bensoul. (2) Accept staff's tentative recommendation to deny request.

**Staff recommendation approved.**

#### **WITHDRAWALS**

5. Commissioner Valencia-Cothran: Doug Olins, Esq. on behalf of **Susan Marcus** appealing an Order of Demotion and Transfer from the Department of the Public Defender.

**Withdrawn.**

#### **SELECTION PROCESS FINDINGS/COMPLAINTS**

##### **Findings**

6. **Billie E. Benton** appeal of removal of his name by DHR from the employment lists for Field Services Officer and Corrections Deputy Sheriff.

7. **Lorena Vidaurri** appeal of removal of her name by DHR from the employment list for Corrections Deputy Sheriff.

8. **Joseph Barry** appeal of removal of his name by DHR from the employment list for Corrections Deputy Sheriff.

RECOMMENDATION: Ratify item Nos. 6 through 8. Appellants have been successful in the appellate process provided by Civil Service Rule 4.2.2.

**Staff recommendation approved.**

9. Commissioner Brummitt: James Varga, Esq. and Stewart Kocivar, Representative, S.E.I.U. Local 535, on behalf of **Patricia Minnich** appealing the selection process for Protective Service Worker II in the Health and Human Services Agency (HHSA).

#### **FINDINGS AND RECOMMENDATIONS:**

Employee has been employed by the County for 29 years. Her appeal to the Civil Service Commission was based on her denial of a promotion to Protective Services Worker II (PSW II). HHSA has taken the position that Employee did not meet the performance criterion of two years' satisfactory performance in order to be promoted. At the hearing, there was confusion as to whether candidates had been informed of the "two year" standard at the time of application. This Hearing Officer concluded that (1) HHSA had a loosely administered requirement for standard performance appraisals in order to qualify for promotion, however, failed to properly inform candidates of this criterion, (2) the selection process for PSW II was significantly

flawed; (3) the best course of action for the Commission to take is to inform HHSA of the deficiencies in this selection process, to encourage HHSA to take corrective action regarding the selection process in the future, and (4) recommend that HHSA consider Employee for promotion in August 1999 according to published standards. It is therefore recommended that the Civil Service Commission: (A) forward a copy of this report to the Director of HHSA, and (B) read and file this report.

There was extensive discussion among the Commission, including input from its Executive Officer and Deputy County Counsel following the reading of the Findings, Conclusions, and Recommendations.

**Motion by Brummitt that the Civil Service Commission take all evidence into consideration and inform HHSA of deficiencies in this selection process for PSW II; to encourage the Agency to take corrective action regarding the selection process in the future; recommend that it consider employee for promotion in August 1999, according to published standards; and that the report that was read to the Commission is modified to delete recommendations B, C, and D renumbering E to B; seconded by Austin. Carried.**

10. Commissioner Valencia-Cothran: Robert A. McLaughlin, Esq., on behalf of **Arlesia Wilkins** and **Linda Clement** - Supplemental Decision in Compliance with Fourth District Court of Appeal Order regarding previous appeals/complaints alleging discrimination by the Sheriff's Department and Rule X complaints challenging the selection process for the Promotional Examination for Detention Processing Supervisor.

RECOMMENDATION: (1) Continue to the next Commission meeting at the request of the Sheriff's Department. (2) Accept staff's tentative recommendation to reopen Rule X hearing.

**Staff recommendation approved.**

### **Complaints**

11. **Douglas Selby**, applicant for Psychiatric Nurse II, appealing the selection process by the Health and Human Services Agency (HHSA) for Psychiatric Nurse II.

RECOMMENDATION: Grant request.

Denise Blaine, Chief Nurse and Susan Mazyck, Personnel Officer, addressed this item on behalf of HHSA explaining the circumstances surrounding the delays in the selection process regarding Mr. Selby's impending appointment as a Psychiatric Nurse II. Ms. Mazyck offered Mr. Selby employment at the meeting which he declined due to having accepted an offer of employment elsewhere. Mr. Selby responded that as the result of what he considered to be previous offers of employment by HHSA and internal issues which delayed his start date, he had turned down prior offers of employment. Mr. Selby was seeking compensation the equivalent of a month's salary, from the time he was

given a start date, until he was either officially hired by the County or obtained regular employment elsewhere.

**Motion by Austin to deny request; seconded by Pate. Carried.**

12. **Ron Phife**, Senior Account Clerk with the Health and Human Services Agency appealing the selection process for Accounting Technician by the Health and Human Services Agency.

RECOMMENDATION: Deny request.

Mr. Phife addressed the Commission clarifying for the record discrepancies he believed were contained in HHSA's response to his appeal to the Commission.

**Motion by Brummitt to approve staff recommendation; seconded by Pate. Carried.**

13. **Maurice J. Orlando III**, appealing DHR's removal of his name from the employment list for Court Services Officer in the Marshal's Office.

RECOMMENDATION: Deny request.

Mr. Orlando addressed the Commission seeking to have the discrepancies which were found during the background investigation revealed. Lieutenant Al Nyman responded on behalf of the Marshal's Office explaining the necessity to retain the confidentiality of background investigations.

**Motion by Austin to approve staff recommendation; seconded by Pate. Carried.**

#### **OTHER MATTERS**

##### **Extension of Temporary Appointments**

14. Health and Human Services Agency

1 Painter (Patrick McDonough)

1 Mental Health Program Manager (Melinda Leal)

15. Agriculture, Weights and Measures

1 Agricultural/Standards Inspector (Michael G. Feeley)

16. Public Works

1 Equipment Operator (David Baldwin)

17. Alternate Public Defender

2 Graduate Attorneys (Holly C. Flint and Steven K. Bloom)

RECOMMENDATION: Ratify item Nos. 14 through 17.

**Staff recommendation approved.**

18. Public Input.

ADJOURNMENT: 4:10 p.m.

**NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE JUNE 2, 1999.**